

In the Drawings

Enclosed is replacement sheet 1 showing amendments to FIG. 2.

REMARKS/ARGUMENTS

In the present application, claims 1-12 are pending. Claims 1-12 have been rejected. By this amendment, claims 1-4, 7, 8, 10 and 12 have been amended. The specification at paragraphs [0015]-[0019] and [0020] have also been amended. FIG. 2 has also been amended. No new matter has been added. As a result of this amendment, claims 1-12 are now believed to be in condition for allowance.

Support for the amendments to the claims 1-4, 7, 8, 10 and 12 may at least be found in paragraphs [0015]-[0021] of the specification, and in the claims, specification and figures as originally filed.

Support for the amendments to paragraphs [0015]-[0019] and [0020] of the specification may at least be found in paragraphs [0014]-[0022] of the specification and FIGS. 1 and 2, and in the claims, specification and figures as originally filed.

Support for the amendments to Figure 2 may at least be found in the claims, specification and figures as originally filed.

The Examiner objected to the specification and drawings under 37 C.F.R. §§1.71(a) and 1.83(a).

The Examiner rejected claims 1-12 under 35 U.S.C. §112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and/or for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Telephone Conference of October 19, 2005

Applicants thank Examiner Casaregola for taking the time to clarify the rejection of claims 1-12 under 35 U.S.C. §112, first and second paragraphs in our telephone conference of October 19.

Objection under 37 C.F.R. §§1.71(a) and 1.83(a)

The Examiner objected to the specification and drawings under 37 C.F.R. §§1.71(a) and 1.83(a).

In framing this objection, the Examiner stated the following:

"The present invention is an engine thrust control requiring a sequence of operations, which are shown in Figure 2 and described in the specification as a series of functional block elements. Some of these block elements are assigned specific step numbers. The numbers in this case, however, are confusing since the numbering sequence appears to bear no logical resemblance to the order in which the steps are performed or claimed. Furthermore, the step numbers in Figure 2 start with 3 rather than 1 creating the mistaken impression that the steps in Figure 2 are somehow cumulative with the prior art operational steps shown in Figure 1. Applicant is therefore advised to amend Figure 2 and related portions of the specification to provide a less confusing step numbering scheme."

(Office Action dated July 26, 2005, page 2)

Applicants have amended Figure 2 to reflect the steps being performed are not cumulative with "the prior art operational steps shown in Figure 1". A replacement sheet containing the amended Figure 2 is submitted herewith. Applicants have also amended portions of paragraphs [0015]-[0019] to reflect the amendments made to Figure 2.

Rejections under 35 U.S.C. §112, first and second paragraphs

The Examiner rejected claims 1-12 under 35 U.S.C. §112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and/or for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

If framing this rejection, the Examiner stated the following:

"Claim 1 and related dependent claims recite steps for measuring a plurality of engine parameters" and "inputting said plurality of engine parameters ... into a plurality of schedules", and claim 12 includes "means" corresponding to the recited steps; see claims 1 and 12, lines 3-5. The parameters referred to are the so-called intermediate and idle power schedule airflows, "W2RINT" and "W2RID"; see for example claim 2 which specifically states this fact. The specification however states that "W2RINT" and "W2RID" are computed from other parameters rather than measured, and these other parameters (P2, T2, etc.) are monitored or measured; see page 2, lines 21-22. It thus appears that there is a conflict between the disclosure and claims as to whether "W2RINT" and "W2RID" are measured or computed. Either the disclosure fails to include an accurate written description of the invention (§112, 1st paragraph), or the present claim language contains a significant error (§112, 2nd paragraph).

Apparatus claim 12 also describes the invention as a series of means-plus function limitations. Such limitations are proper under §112 only if each claimed "means" clearly corresponds to a distinct element or element(s) in the disclosed embodiment of the invention. In this instance, there are five claimed "means" but the disclosed embodiment as shown in Figure 4 appears to have only three elements: engine condition sensor 43, throttle position sensor 45, and processor 47. Claim 12 includes both a means for inputting engine parameters into schedules to produce outputs (lines 4-

4-5), and a means for combining the outputs to produce a part power scheduled airflow (lines 6-7). It is not seen how these two "means" correspond to the structure disclosed since the only relevant element, processor 47, can account for only one of the two means. Furthermore, claim 12 also includes means for using the scheduled air flow to produce near linear thrust (lines 8-9), and it is not clear how this means corresponds to any of the elements present in the disclosed embodiment."

(Office Action dated July 26, 2005, pages 3-4)

Applicants have amended claim 2 to reflect that the recited claim elements "W2RINT" and "W2RID" are computed from other parameters. Support for the amendment to claim 2 may at least be found at paragraph [0016] of Applicants' specification. In light of the amendment to claim 2, there is no conflict between the disclosure and claims as to whether 'W2RINT" and "W2RID" are measured or computed. Applicants' disclosure does not fail to include an accurate written description of the invention. And, Applicants amended claim 2 does not contain a significant error.

With regard to the Examiner's rejection of claim 12, the law does not require each means plus function element recited in a claim to correspond to a different structure described in the supporting disclosure. Hence, more than one means plus function element recited in a claim may correspond to the same structure described in the supporting disclosure.

In light of these facts, all of the elements recited in Applicants' amended claim 12 are supported by Applicants' disclosure.

For these reasons, Applicants respectfully request the withdrawal of the rejection of claims 1-12 under 35 U.S.C. §112,

first and second paragraphs, and allowance of claims 1-12.

CONCLUSION


An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any additional fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 21-0279.

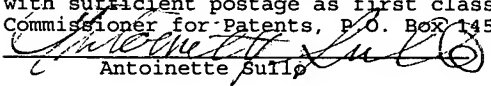
Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on October 24, 2005.


Antoinette Sullivan